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**Рецензія**  
**на монографічне дослідження**  
**«Правопорушення, пов'язані з корупцією:**  
**адміністративно-правові засади протидії»**  
**к.ю.н. Василя Франчука та к.ю.н. Домініки Корецької-Шукєвіч**  
**(Варшава : Видавництво «Difin»)**

**Анотація.** У монографії визначено, що корупція (явище, що є природним результатом спільного розвитку та становлення як України, так і світової спільноти загалом) є одним із основних критеріїв відмежування корупційних правопорушень від правопорушень, пов'язаних із корупцією. Це впливає з таких ознак правопорушень, пов'язаних із корупцією: відсутні ознаки корупції; діяння порушують вимоги, заборони та обмеження, встановлені Законом України «Про запобігання корупції»; вчинене особою, зазначеною у ст. 3 Закону України «Про запобігання корупції»; передбачена наступна юридична відповідальність: кримінальна, адміністративна, дисциплінарна та / або цивільна.

На основі дослідження сформульовано конкретні пропозиції щодо вирішення найбільш проблемних питань адміністративної відповідальності за правопорушення, пов'язані з корупцією.

**Ключові поняття:** адміністративна відповідальність; законодавство; білокомірцева злочинність; корупція; правопорушення, пов'язані з корупцією.

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**Review**  
**of the monographic study**  
**«Corruption-related offenses:**  
**administrative legal grounds of counteraction»**  
**by Doctor of Legal Sciences Vasyl Franchuk**  
**and Doctor of Legal Sciences Dominika Daria Korecka-Szukiewicz**  
**(Warsaw: Publishing House «Difin»)**

**Abstract.** This monograph is determined that corruption as a phenomenon that is a natural result of the joint development and formation of both Ukraine and world community in general is one of the main criteria for distinguishing corruption offenses from corruption-related offenses, because signs of corruption-related offenses are as follows: no signs of corruption; actions violate requirements, prohibitions and restrictions established by the Law of Ukraine «On Prevention of Corruption»; committed by a person specified in Art. 3 of the Law of Ukraine «On Prevention of Corruption»; following legal liability is provided: criminal, administrative, disciplinary and/or civil.

Specific proposals to address the most problematic issues of administrative liability for corruption-related offenses, which found their objectification in conclusions to the work and proposals to improve administrative and legal, as well as within certain criminal legal regulation of special confiscation in the legislation of Ukraine were formulated based on what was discovered during the study.

**Key concepts:** administrative liability, legislation, white-collar crime, corruption, corruption-related offenses.

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Anti-corruption and corruption-related manifestations prevention is one of the most important tasks of any civilized state in the world. In view of this, it is obvious that the quality of legislation in this case is extremely important.

The adoption of the Law of Ukraine «On Prevention of Corruption» as of October 14, 2014 No. 1700-VII was a significant step in the legal support of regulating legal relations in the field of anti-corruption and corruption-related offenses prevention since the main provisions in this area were declared in the specified regulatory legal act. The important role in the combating corruption and corruption-related manifestations was the introduction of amendments and additions to the provisions of the Code of Ukraine on administrative offenses, and the provisions of the Criminal Code of Ukraine regarding the definition of the list of corruption-related offenses in Chapter 13-A, and the definition of the list of corruption crimes in the provisions of the Criminal Code of Ukraine, as well as the establishment of other criminal law actions against the person who committed them.

Accordingly, the legislation of Ukraine provides for a quite wide range of means of responding to the facts of committing corruption or corruption-related offenses. However, in the administrative law doctrine, and especially in the practice of its application, there are some problem points that are caused by numerous factors, among which we can distinguish: the lack of a clear definition of individual legal concepts in this area; different approaches of judicial authorities in resolving such situations; incorrect interpretation of the provisions of administrative legislation, and sometimes outright legislative mistakes.

In addition, in view of the relative novelty of the concept of «corruption-related offenses», as well as the lack of a thorough comprehensive study of corruption-related offenses, the relevance of the chosen topic of the monographic study is out of question.

This statement is supported by the tasks determined in the paper, which are aimed both at the identification of the main problems associated with the application of the provisions of Chapter 13-A of the Code of Ukraine on Administrative Offenses, and establishing specific ways to solve them, including by making appropriate legislative changes.

The completed research contains a link with scientific programs, plans and topics, namely, the scientific work was carried out in accordance with the resolution of the Presidium of the National Academy of Sciences of Ukraine as of January 30, 2019 No. 30 «Basic scientific directions and the most important problems of fundamental studies in the field of natural, technical, social and humanitarian sciences of the National Academy of Sciences of Ukraine for 2019–2023» (paragraph 3.4.2 clause 3.4. – Political and Legal Sciences), taking into account the priority areas of scientific and practical studies on the harmonization of legislation of Ukraine with the European and international law in anti-corruption management.

The above said also confirms the high level of relevance of the topic of monographic research by Doctor of Legal Sciences Vasyl FRANCHUK and Doctor of Legal Sciences Dominika Daria KORECKA-SZUKIEWICZ and its timely implementation.

Scientific provisions, conclusions, recommendations, reliability and novelty of the monograph are characterized by a high level of relevancy, which became possible due to the use of a significant number of both general scientific and special research methods, namely: legalistic method (dogmatic) – during the legal analysis of the provisions of articles of Chapter 13-A of the Code of Ukraine on Administrative Offenses, which regulate responsibility for committing corruption-related offenses (sections II, III of the work); hermeneutical – in order to establish the content of certain legal concepts (for example, «corruption», «corruption offense», «corruption-related offense», «composition of the administrative offense») (sections I–III); comparative law – during the comparison of the Ukrainian and Polish legislation regarding the norms regulating responsibility for committing corruption-related offenses, as well as when finding out similar and distinctive features between the responsibility provided for by the provisions of administrative and criminal legislation in this area (subsection 1.3); historical and legal – within the framework of studying the laws of origin and development in the current administrative legislation of the provisions regulating responsibility for corruption-related offenses (subsections 1.1 and 1.2); system analysis – in the process of delimitation corruption-related offenses from other types

of offenses, including criminal ones (sections II and III).

The scientific novelty of the obtained results of the monograph, proposed by the authors, is determined by such provisions as: scientific positions that although the purpose and motive are generally inherent in the corruption-related offenses, and they are lucrative, but their qualifications do not affect in any way; provisions according to which when assessing the subject of false declaration, you should use such a unit of account as a non-taxable minimum income of citizens, and not the size of the subsistence minimum for able to work persons; there are proposals in the theory of administrative law, according to which violations of legislation in the field of environmental impact should be determined such that they do not meet the signs of the corruption-related offenses and accordingly place the specified composition of the offense in Chapter 7 of the Code of Ukraine on Administrative Offenses.

The results obtained during the monographic study by Vasyl FRANCHUK and Dominika Daria KORECKA-SZUKIEWICZ, theoretical conclusions and practical recommendations can be used: in the scientific research area – for further study of issues of responsibility for the corruption-related offenses in the administrative law of Ukraine; in law-making – for the purpose of improving administrative legislation in the part that concerns the regulation of liability for corruption-related offenses; in the educational process – during the presentation of the administrative law subject in legal institutions of higher education, the preparation of textbooks, textbooks, methodological recommendations; postgraduate education – in the system of advanced training of judicial and law enforcement bodies.

The content of the monographic study is agreed upon with traditional approaches for this type of work in terms of presenting the results of the paper.

In the first chapter of the paper, the general principles of administrative responsibility for corruption-related offenses were investigated, in particular, the main doctrinal approaches to the definition of the concept of corruption as one of the main features that makes it possible to distinguish corruption offenses from corruption-related offenses; the concept and signs of corruption-related offenses are studied both in the legislation of Ukraine and in the doctrine of administrative law

of this state; a comparative analysis of the anti-corruption legislation of Ukraine and the Republic of Poland was carried out.

The second chapter describes the characteristics of the set of elements of administrative corruption-related offenses. In particular, the object and objective side of administrative corruption-related offenses were investigated, as well as the elements and signs of corruption-related offenses. The features of the set of elements of these offenses, a mandatory feature of which is the subject of the offense, were determined and its characteristics was given. The completion time of these offenses was determined. The optional features of the objective side of the corruption-related offenses, where they are essential for qualification. The list of persons who can be recognized as the subjects of corruption-related offenses was defined. The categorization of such subjects was carried out. The signs of the subjective side of corruption-related offenses were studied.

The third chapter examines theoretical and applied problems of liability for corruption-related offenses and prospects for improving the anti-corruption legislation of Ukraine. The analysis of the main theoretical and practical problems related to the regulation of liability for corruption-related offenses, as well as the practice of their application, was carried out. The main areas of improving the legislation of Ukraine on counter-acting the corruption-related offenses, which are proposed in the doctrine of administrative law, were identified, including specific changes to the legislation of Ukraine.

In general, the research of V. FRANCHUK and D. KORECKA-SZUKIEWICZ «Corruption-related offenses: administrative legal grounds of counteraction» is the independent, completed scientific work that meets all the requirements for the content and design of this kind of papers.

Having regard to the fact that this paper is a thorough, new study of theoretical and practical problems of preventing the corruption-related offenses, as a result of which new conceptual provisions were represented, the conclusions were substantiated, which are distinguished by the scientific novelty, and have important theoretical and practical significance. I believe that the monograph «Corruption-related offenses: administrative and legal grounds of counteraction» can be recommended for publication.

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